

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

FILED-CLERK  
U.S. DISTRICT COURT  
00 DEC 11 PM 2:05  
TX EASTERN-BEAUMONT

VICTOR M. MILES

Plaintiff

V.

SAFETY-KLEEN (TG), INC.,

Defendant

C.A. No. 1:00 CV - 849

JURY REQUESTED

**PLAINTIFF'S ORIGINAL COMPLAINT**

COMES NOW Plaintiff, VICTOR M. MILES, by and through undersigned counsel, and for his causes of action against Defendant, SAFETY-KLEEN (TG), INC., a Corporation, states as follows:

**PARTIES**

1. Plaintiff, VICTOR M. MILES, is an individual who is a resident and citizen of Anahuac, Chambers County, in the State of Texas.

2. Defendant, SAFETY-KLEEN (TG), INC., is a foreign corporation organized and existing under the law of the State of Delaware and maintains its principal place of business in Columbia, South Carolina. At all times material hereto, it was and is engaged in the business of operating commercial motor vehicles for the purpose of transporting property, including hazardous and non-hazardous waste, in intrastate and interstate commerce. It does business in the State of Texas and has regular and systematic contact with this District and Division. Service of process may be had upon Defendant, SAFETY-KLEEN, by serving its Registered Agent, CT Corporation System,

g) Loss of enjoyment of life.

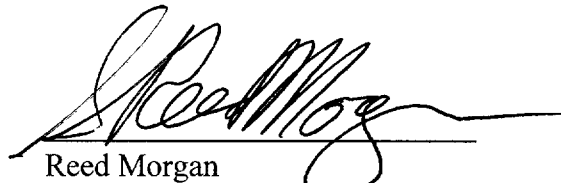
8. Plaintiff has suffered and continues to incur damages in an amount in excess of \$750,000.

**PRAYER**

9. WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant, SAFETY-KLEEN (TG), INC. be cited to appear and answer herein and that, upon final trial hereof, Plaintiff have judgment against Defendant in an amount in excess of the minimum jurisdictional limits of this Honorable Court, together with costs, prejudgment and post-judgment interest as allowed by law, and that Plaintiff be granted such other and further relief at law or in equity, general or special, to which he may show himself justly entitled.

10. Plaintiff requests trial by jury.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Reed Morgan", is written over a horizontal line.

Reed Morgan  
Texas State Bar No. 14452300  
Law Offices of S. Reed Morgan, P.C.  
1560 W. Bay Area Blvd., Ste 320  
Friendswood, Texas 77546  
Phone: (281) 461-6210  
Fax: (281) 461-6220

350 N. St. Paul Street, Dallas, Texas 75201.

### **JURISDICTION AND VENUE**

3. This Court has diversity of citizenship jurisdiction over this case and Defendant SAFETY-KLEEN (TG), INC., pursuant to 28 U.S.C. §1332, because this action is between citizens of different states and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

4. Venue is proper in this District pursuant to the terms of 28 U.S.C. §1391(a).

### **OPERATIVE FACTS**

5. On or about December 30, 1998 the Plaintiff was employed by Browning-Ferris Industries at its Gulf West Landfill, located at 2601 South Jenkins Road., Anahuac, Chambers County, Texas, 77514. At that time, Plaintiff, VICTOR M. MILES was injured while unloading cargo from a tractor-trailer rig owned and/or operated by the Defendant, SAFETY-KLEEN (TG), INC. The Defendant's tractor-trailer rig had transported and delivered hazardous waste under state and federal laws, regulations, and permits, to Browning-Ferris Industries at its Gulf West Landfill location and Plaintiff was in the process of unloading it when he was struck by Defendant's cargo restraint bar, resulting in serious injuries to the Plaintiff.

### **CAUSES OF ACTION**

6. The injuries and damages sustained by the Plaintiff were proximately caused, in whole or part by the negligence of the Defendant, SAFETY-KLEEN (TG), INC., acting through its agents, servants and employees acting in the course and scope of their agency or employment in the following particulars:

a. In failing to properly train its employees;

- b. In failing to properly supervise the work of its employees;
- c. In failing to promulgate and enforce rules governing its operations in the loading and unloading of cargo;
- d. In failing to prepare the trailer for the safe unloading of cargo;
- e. In placing a cargo restraint bar in a precarious and unsafe position;
- f. In failing to secure and stow the cargo restraint bar in a safe location;
- g. In failing to warn the Plaintiff that it was unsafe to enter and/or unload the trailer;
- h. In preparing the trailer for the unloading of cargo in a careless and reckless manner;
- I. In entrusting its tractor-trailer rig to a person it knew or should have known was an incompetent and reckless operator.

### **CAUSATION AND DAMAGES**

7. The foregoing negligent conduct of the Defendant was the legal and proximate cause of the accident and the following elements of past and future damages suffered by the Plaintiff and for which he seeks recovery:

- a) Physical pain and suffering;
- b) Mental anguish;
- c) Loss of earnings, benefits and earning capacity;
- d) Physical impairment;
- e) Disfigurement;
- f) Medical expenses;